IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1464 of 2006

STATE & ANR
V/S
LAXMAN KUMAR BALAI & ANR

Mr. SS LADRECHA, A.G.A., for the appellant / petitioner

Date of Order : 25.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the record.

The learned Labour Court has found the removal of the workman to be bad, inter-alia on the ground, that it cannot be accepted that the workman was employed only for three months, as he continued to work even thereafter, and therefore, his appointment is required to be taken to be for indefinite period, and it is not established that he was the junior most person.

Vide order dated 13.4.2006, I directed the record of the learned trial Court to be requisitioned, the same has been received. From perusal of the record, it transpires that vide public advertisement, three posts of Electrician were advertised, without mentioning the post to

be for a specific period of time, much less three months, and in response to this advertisement, the workman was selected, as appears from the appointment order, which recites the workman to have been selected by the Selection Committee. Admittedly, the workman continued till much later than expiry of period of three months. Therefore, reading the advertisement, and the appointment order together, and also considering the fact, that the workman continued to work for more than three months, it has rightly been concluded that the appointment was not for a specific period of time, and was for indefinite period.

So far the workman being junior most is concerned, a look at Annex.2 sows that he has purportedly been removed on the ground of being junior most, and being temporary, while as notice above, from the advertisement, it does not transpire that the vacancy was temporary one and then a look at the cross-examination of Dr.Girdhar Singh Bhati, examined on the side of the petitioner, shows that he has clearly admitted that Jagdish had also appointed alongwith the petitioner, and both the persons had joined on the same date. He has also admitted that he doesn't know, as to whether Jagdish is in service or not, and has also admitted that he doesn't know, as to how the inter-se seniority between Jagdish and Laxman Kumar was determined. This

clearly shows that it cannot be said that the workman-respondent was the junior most.

Thus, I do not find any error in the impugned award (Annex.5) requiring any interference in my writ jurisdiction.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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